



UNITED STATES PATENT AND TRADEMARK OFFICE

eev

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,462	09/26/2000	Takao Ogura	FUJS 17.791	3610

7590 08/09/2007
Katten, Muchin, Zavis & Rosenman
575 Madison Ave.
New York, NY 10022-2585

EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/670,462

Applicant(s)

OGURA ET AL.

Examiner

Clemence Han

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- Notice of Informal Patent Application
- Other: _____

DETAILED ACTION*Drawings*

1. The drawings are objected to because there are discrepancies between Figure 5 and the specification. “supported target pattern (peak rate)” in the top box should be replaced with “supported service quality (peak rate)” and “support service quality” in the two bottom boxes should be replaced with “supported service quality”. See table 1 in page 19 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 2616

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 1-9, 11-15, 19, 22 and 24, the phrase "a target pattern representing a QoS-guaranteable target and service quality", for example in claim 1 line 20, renders the claim indefinite because it is unclear what it means. The examiner understood them as "supported target pattern and supported service quality", see table 1 in page 19 and Figure 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US 6,570,867) in view of Bowman-Amuah (US 6,611,867) and further in view of Mohaban et al. (US 6,463,470).

Art Unit: 2616

Regarding to claim 1-6 and 12-15, Robinson teaches a system for managing a communication network composed of a plurality of subnetworks, comprising: a plurality of element managers 24 provided one for each of the plural subnetworks; and a network manager 20 accommodating said plural element managers for concentrated management thereof; wherein each of said plural element managers having a collection and notification section for collecting QoS (Quality of Service) capability management information on the corresponding element manager and notifying said network manager of the collected QoS capability management information (Column 5 Line 13-19); said network manager having a management section including a function object group which performs a control of QoS policy provisioning over the communication network (Column 5 Line 40-44) and an information object group which manages network information of each of the plural subnetworks (Column 5 Line 19-30), and for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers 24 (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate

Art Unit: 2616

subnetwork of selection information indicating that the candidate subnetwork has been selected (Column 5 Line 3-6); and each of said element managers further having a control section for controlling the corresponding subnetwork based on the selection information notified by said selection and notification section of said network manager (Column 5 Line 9-12). Robinson, however, does not teach at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to modify Robinson to be used with at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of systems integration therefore enable the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41). Robinson in view of Bowman-Amuah, however, does not teach a target pattern representing a QoS-guaranteable target and service quality. Mohaban teaches a target pattern representing a QoS-guaranteable target and service quality (Column 26 Line 66 – Column 27 Line 11). It would have been obvious to one skilled in the art to modify Robinson in view of Bowman-Amuah to have a target pattern representing a QoS-guaranteable target and service quality as taught by Mohaban in order to create network QoS policies in a orderly and integrated manner (Column 5 Line 13-15).

Art Unit: 2616

Regarding to claim 7 and 19, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said management section is constructed to concentratedly manage the various QoS capabilities of said communication network and those of another communication network independent of said communication network in view of other QoS capability management information of other subnetworks that constitute said other communication network (Column 14 Line 46-57, Column 3 Line 34-38). Robinson, however, does not teach at least one subnetwork of the plurality of the

Art Unit: 2616

subnetworks having a different technology than other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to modify Robinson to be used with at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of systems integration therefore enable the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41). Robinson in view of Bowman-Amuah, however, does not teach a target pattern representing a QoS-guaranteable target and service quality. Mohaban teaches a target pattern representing a QoS-guaranteable target and service quality (Column 26 Line 66 – Column 27 Line 11). It would have been obvious to one skilled in the art to modify Robinson in view of Bowman-Amuah to have a target pattern representing a QoS-guaranteable target and service quality as taught by Mohaban in order to create network QoS policies in a orderly and integrated manner (Column 5 Line 13-15).

Regarding to claim 8 and 22, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for

Art Unit: 2616

concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said management section is constructed to manage supported tagging, as additional information, for discrimination on combination of the subnetworks (Column 9 Line 60 – Column 10 Line 2). Robinson, however, does not teach at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to modify Robinson to be used with at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of systems integration

Art Unit: 2616

therefore enable the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41). Robinson in view of Bowman-Amuah, however, does not teach a target pattern representing a QoS-guaranteable target and service quality. Mohaban teaches a target pattern representing a QoS-guaranteable target and service quality (Column 26 Line 66 – Column 27 Line 11). It would have been obvious to one skilled in the art to modify Robinson in view of Bowman-Amuah to have a target pattern representing a QoS-guaranteable target and service quality as taught by Mohaban in order to create network QoS policies in a orderly and integrated manner (Column 5 Line 13-15).

Regarding to claim 9 and 24, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management

Art Unit: 2616

section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said management section is constructed to update the various QoS capabilities of the communication network when said QoS capability management information is updated (Column 9 Line 43-47). Robinson, however, does not teach at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to modify Robinson to be used with at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of systems integration therefore enable the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41). Robinson in view of Bowman-Amuah, however, does not teach a target pattern representing a QoS-guaranteable target and service quality. Mohaban teaches a target pattern representing a QoS-guaranteable target and service quality (Column 26 Line 66 – Column 27 Line 11). It would have been obvious to one skilled in the art to modify Robinson in view of Bowman-Amuah to have a target pattern representing a QoS-guaranteable target and service quality as taught by Mohaban in order

Art Unit: 2616

to create network QoS policies in a orderly and integrated manner (Column 5 Line 13-15).

Regarding to claim 10, Robinson teaches said selection and notification section is constructed to previously select two or more of the subnetworks when selecting the candidate subnetworks having communication QoS capabilities such as to individually satisfy the target QoS capability, for which the request has been received by said request reception section, to firstly notify one element manager, corresponding to a first one of the candidate subnetworks, of the previous selection of the plural subnetworks and secondly notify another element manager, corresponding to a second one of the candidate subnetworks, of unable information that the corresponding first candidate subnetwork cannot be controlled, upon receipt of the unable information as a response from the element manager corresponding to the first candidate subnetwork (Column 14 Line 33-45, Column 10 Line 21-39). Robinson, however, does not teach at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to modify Robinson to be used with at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks as taught by Bowman-Amuah in order to

Art Unit: 2616

improve the efficiency of systems integration therefore enable the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41).

Regarding to claim 11, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said selection and notification section is constructed to select two or more of the subnetwork according to preset priorities when selecting the candidate subnetworks having QoS capabilities such as to individually satisfy the target QoS capability, for which the response has been received by said

Art Unit: 2616

request reception section, and to notify one element manager, corresponding to a higher-priority one of the candidate subnetworks, of the selection (Column 14 Line 33-45, Column 10 Line 21-39). Robinson, however, does not teach at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks. Bowman-Amuah teaches at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks (Column 74 Line 43-64, see Figure 36). It would have been obvious to one skilled in the art to modify Robinson to be used with at least one subnetwork of the plurality of the subnetworks having a different technology than other subnetworks of the plurality of subnetworks as taught by Bowman-Amuah in order to improve the efficiency of systems integration therefore enable the system to operate more effectively (Column 73 Line 60 – Column 74 Line 41). Robinson in view of Bowman-Amuah, however, does not teach a target pattern representing a QoS-guaranteable target and service quality. Mohaban teaches a target pattern representing a QoS-guaranteable target and service quality (Column 26 Line 66 – Column 27 Line 11). It would have been obvious to one skilled in the art to modify Robinson in view of Bowman-Amuah to have a target pattern representing a QoS-guaranteable target and service quality as taught by Mohaban in order to create network QoS policies in a orderly and integrated manner (Column 5 Line 13-15).

Art Unit: 2616

Regarding to claim 16 and 20, Robinson teaches said management section is constructed to manage supported tagging, as additional information, for discrimination on combination of the subnetworks (Column 9 Line 60 – Column 10 Line 2).

Regarding to claim 17 and 21, Robinson teaches said management section is constructed to update the various QoS capabilities of the communication network when said QoS capability management information is updated (Column 9 Line 43-47).

Regarding to claim 18 and 23, Robinson teaches said management section is constructed to update the various QoS capabilities of the communication network when said QoS capability management information is updated (Column 9 Line 43-47).

Response to Arguments

7. Applicant's arguments with respect to claim 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

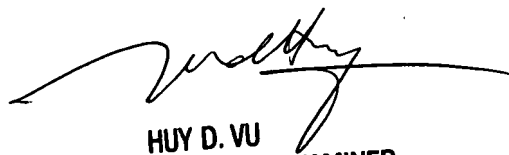
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. H.

Clemence Han
Examiner
Art Unit 2616



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600